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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Jordan

Addendum

Information received from Jordan on follow-up to the concluding observations*

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* The present document is being issued without formal editing.

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Response of the Hashemite Kingdom of Jordan to the concluding observations and recommendations of the United Nations Committee on the Rights of Persons with Disabilities

Introduction

1. Jordan has the honour to submit its response to paragraph 65 of the concluding observations and recommendations of the Committee on the Rights of Persons with Disabilities concerning the dissemination and provision of information on measures taken to implement the Committee's recommendations contained in paragraph 18 concerning children with disabilities and paragraph 35 concerning the protection of personal integrity.

2. Jordan discussed its initial report with the Committee on the Convention on the Rights of Persons with Disabilities in Geneva on 28 and 29 March 2017. The Committee welcomed the initial report of Jordan, which had been prepared in accordance with the Committee's reporting guidelines, and thanked Jordan for its written replies to the list of issues that it had prepared. The Committee also expressed appreciation of the fruitful dialogue with the official delegation of Jordan during the consideration of the report and commended the high-level Jordanian delegation mandated to discuss the initial report.

3. There have been a number of developments in the area of disability in Jordan since the dialogue concerning the above-mentioned report:

- The Rights of Persons with Disabilities Act No. 20 of 2017 was published in Official Gazette No. 5464 on 1 June 2017. It is recognized as a modern and progressive piece of legislation that complies with international human rights instruments ratified by Jordan, including the Convention on the Rights of Persons with Disabilities. The Act contains a number of provisions that are based on international standards and best practices and that reflect progress from a care-based approach to an approach based on human rights and non-discrimination based on or due to disability. It also includes a comprehensive definition of persons with disabilities that takes into account both material obstacles and behavioural barriers. One of the criteria underlying the definition is based on an assessment of the extent to which persons can enjoy and exercise their rights and freedoms on an equal basis with others.

- Act No. 27 of 2017 amending the Criminal Code was published in Official Gazette No. 5479 of 30 August 2017. Several new provisions treat disability as an aggravating circumstance in the case of offences of physical and psychological abuse, sexual assault, fraud, neglect or abandonment. These amendments undoubtedly promote the rights of persons with disabilities and expand the scope of their legal protection.

- Jordan ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled and published it in Official Gazette No. 5503 of 1 March 2018.

- With a view to disseminating the concluding observations and recommendations widely and supporting the role assigned to the Higher Council for Persons with Disabilities in the Rights of Persons with Disabilities Act No. 20 of 2017, the concluding observations and recommendations were distributed through the Office of the Prime Minister, by means of circular No. 21/12/1/48236 of 18 October 2017, to all relevant official bodies, in accordance with their fields of competence. They were also converted into accessible formats to facilitate access by persons with disabilities through sign language and Braille. In addition, they were published on the Council's website and distributed to organizations of persons with disabilities, associations working in the field of disability, activists with disabilities, relatives and academics at consultative meetings held in various parts of the Kingdom in order to develop a participatory follow-up approach to implementation of the observations and recommendations.

The Committee on the Rights of Persons with Disabilities

Response to the concluding observations of the Committee on the Rights of Persons with Disabilities concerning implementation of the recommendations contained in paragraph 18 (children with disabilities) and paragraph 35 (protection of personal integrity

A. Specific rights (arts. 7 and 17)

Children with disabilities (art.7)

18. **The Committee recommends that the State party:**

(a) **Adopt the draft amendments to the Criminal Code which intensify punishments for acts of negligence or harm towards children with disabilities.**

1. Act No. 27 of 2017 amending the Criminal Code was promulgated. It treats disability as an aggravating circumstance in certain offences perpetrated against persons with disabilities, such as abuse, sexual assault, abduction, fraud, neglect and abandonment.

(b) **Ensure that all cases in which children with disabilities are exposed to violence are reported and fully investigated, that perpetrators are prosecuted and appropriately punished and that victims are provided with adequate support and redress, including compensation and rehabilitation.**

2. A definition of violence is contained in article 30 of the Rights of Persons with Disabilities Act No. 20 of 2017. Violence is defined as an act or omission that deprives a person with a disability of any right or freedom, that restricts the exercise of such rights or freedoms, or that inflicts physical, mental or psychological harm based on or due to a person's disability. Paragraph (b) of the article requires anyone with information concerning the subjection of persons with disabilities to violence to inform the competent authorities. In addition, paragraph (c) of the article stipulates that the competent judicial authorities should provide the necessary protection for whistle-blowers, witnesses and other persons who detect or report cases of violence against persons with disabilities, or should prepare reports or investigations in which they refrain from disclosing information concerning their identity and whereabouts, and permit them to make statements and deliver testimony through modern technology that ensures their safety. Furthermore, the persons concerned should not be exposed in their workplace to discrimination or ill-treatment, and the requisite action should be taken to guarantee their safety.

3. Article 48 (a) (1) and (2) of the Rights of Persons with Disabilities Act No. 20 of 2017 stipulate that any person who commits an act of violence against persons with disabilities, concerning which there is no harsher provision, definition or penalty in the Criminal Code, shall be liable to a maximum term of imprisonment of 1 year and/or a maximum fine of 1,000 Jordanian dinars (JD). The penalty is doubled in the event of a repeat offence.

4. In view of the importance of providing for the rehabilitation of children with disabilities who are victims of violence, article 29, paragraphs (h) (i) (j) and (k), of the Rights of Persons with Disabilities Act No. 20 of 2017 assign the following tasks and powers to the Ministry of Social Development and the Ministry of Health, in accordance with their fields of competence and in coordination with the Council: to develop and implement a comprehensive alternative care programme for victims of violence; to provide psychosocial and health-care support services, including rehabilitation and all kinds of treatment, for persons with disabilities who are victims of violence and exploitation. The article also provides for the elaboration of programmes for the prevention and detection of violence, specifies procedures for reporting such cases, and provides for the training of persons with disabilities, including children, women, older persons, persons with mental and psychological disabilities, and their families. In addition, the article provides for the

training of staff who are specialized in procedures for detecting cases of violence and for addressing them at different stages.

(c) **Mainstream disability rights in national strategies and action plans for children.**

5. The Rights of Persons with Disabilities Act No. 20 of 2017 provides for the development of policies, strategies, programmes and plans on behalf of all parties tasked with implementing the provisions of the Act.

6. With that end in view, the Higher Council established a Directorate for Monitoring and Coordination in the organizational structure to support the principle of developing strategies and programmes on behalf of bodies involved in promoting the rights of persons with disabilities, to monitor the bodies concerned, and to provide for coordination through follow-up liaison officers.

7. In accordance with the partnership established by the Rights of Persons with Disabilities Act No. 20 of 2017 between the Higher Council and the various competent bodies, based on coordination and cooperation for the purpose of implementing the provisions of the Act, the Council signed memorandums of understanding with a group of ministries involved in implementing the Act, which led to the establishment of joint task forces with the Ministry of Education, the Ministry of Health, the Ministry of Social Development, the Ministry of Communications and Information Technology, the Ministry of Labour and the Municipality of Greater Amman in order to prepare the requisite national action plans.

Protecting the integrity of the person (art. 17)

36. **The Committee urges the State party to:**

(a) **Cease the practice of sterilization in the absence of the individual's free and informed consent.**

8. Article 2 of the Rights of Persons with Disabilities Act No. 20 of 2017 provides for free and informed consent. It stipulates that: "The consent of persons with disabilities or of their legal representative shall be required for any act, conduct or legal proceeding initiated in connection with any of their rights or freedoms, after they have been informed, in a comprehensible manner, of its content, consequences and impact."

9. In addition, article 5 (c) states that no therapeutic or preventive medical intervention shall be undertaken without the free and informed consent of persons with disabilities.

(b) **Adopt the proposed amendments to the Criminal Code, prohibiting forced sterilization, ensure that perpetrators are prosecuted and sanctioned, as necessary, and provide remedies to persons subjected to forced sterilization, including adequate compensation and rehabilitation.**

10. Forced sterilization performed in non-therapeutic cases and without the consent of the person concerned constitutes the offence of "causing disability", which is punishable under the provisions of the Criminal Code. As forced sterilization based on or due to disability undermines a person's physical integrity and damages one or more of the body's vital organs, such acts inevitably fall within the scope of indictable acts of abuse in the Criminal Code resulting in the disability, paralysis or removal of a body organ.